

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JODY D. SHOCKLEY,)
Plaintiff,) No. CV-11-312-JPH
v.) ORDER GRANTING STIPULATED
MICHAEL J. ASTRUE,) MOTION FOR REMAND
Commissioner of Social)
Security,)
Defendant.)

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). **ECF No. 23.** Maureen Rosette represents plaintiff. Special Assistant United States Attorney Benjamin J. Groebner represents defendant. The parties have consented to proceed before a magistrate judge. ECF No. 8.

After considering the stipulated motion, ECF No. 23,
IT IS ORDERED that the **motion is GRANTED**. The case is **REVERSED** and
REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for a de
novo hearing, including:

1. The ALJ shall consider that the claimant filed a prior claim for disability benefits which was denied by a final decision of the agency and affirmed by the District Court in civil action no. 2:04-cv-00342.

ORDER GRANTING STIPULATED MOTION
FOR ORDER OF REMAND - 1

1 2. The ALJ shall issue a new decision complying with AR 97-
2 4(9).

3 3. The claimant shall be given an opportunity for a new
4 hearing, to submit additional evidence and to rebut the
5 presumption of non-disability and show changed circumstances.

6 4. The ALJ shall re-evaluate the severity of the claimant's
7 mental impairments using the special technique and reassess the
8 claimant's residual functional capacity.

9 5. The ALJ will re-evaluate all the opinion evidence.

10 6. If necessary, medical expert evidence may be obtained.

11 7. The ALJ will obtain vocational expert testimony with
12 respect to whether the claimant can perform other work in the
13 national economy with the limitations assessed.

14 Because this remand is pursuant to sentence four with a
15 remand to the Commissioner for further proceedings (see *Melkonyan*
16 v. *Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to
17 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412
18 (a), (d), upon proper request to this Court.

19 IT IS FURTHER ORDERED:

20 1. The parties' stipulated motion for an order of remand
21 pursuant to sentence four, ECF No. 23, is **GRANTED**.

22 2. Judgment shall be entered for **PLAINTIFF**.

23 3. An application for attorney fees and costs may be filed by
24 separate motion.

25 4. The District Court Executive is directed to enter this
26 Order, enter judgment, forward copies to counsel, and **CLOSE** the
27 file.

28 ORDER GRANTING STIPULATED MOTION
FOR ORDER OF REMAND - 2

IT IS SO ORDERED.

DATED this 6th day of February, 2013.

s/James P. Hutton
JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE

ORDER GRANTING STIPULATED MOTION
FOR ORDER OF REMAND - 3